

## **Probate Notes for March 18, 2010**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

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**CASE:           Estate of Abele**  
**Case No. CV PB 10-31**

If proof of publication is filed, it is recommended to grant the petition for probate of will and for letters of administration and for authority to administer the estate under the Independent Administration of Estates Act. Petitioner is to prepare the proposed order.

**CASE:           Estate of Martinez**  
**Case No. CV PB 09-135**

It is recommended to approve the first and final report of executor and to grant the petition for its approval, for authority to pay statutory attorney's fees and for final distribution upon waiver of accounting.

**CASE:           Estate of Stevens**  
**Case No. CV PB 10-36**

It is recommended to deny the petition to be appointed special administrator with full authority to administer the estate under the Independent Administration of Estates Act. ("IAEA"). Under decedent's will the property that petitioner wishes to disclaim would be considered residue of decedent's estate. (Will, ¶¶ Fifth & Sixth.) The residue of the estate is to be given to his wife or the named successor trustee of the "Revocable Trust Agreement," not to petitioner. Petitioner does not state whether she is the successor trustee, attach a copy of the Trust identifying her as the successor trustee, state whether the Trust is still operative, state whether she intends to place the assets from her brother's estate directly into the Trust, and identify the beneficiaries of the Trust.

Additionally, the petition and the order seek authority to administer the estate under the IAEA. However, under Probate Code section 10405, petitioner may only be granted authority to administer the estate under IAEA if the special administrator is appointed with, or has been granted, the powers of a general personal representative. The petition does not seek general powers. Moreover, a request for general powers must comply with the notice requirements set forth in Probate Code section 8003. (Prob. Code, §§ 8003 et seq., 8540 et seq. & 10405.)

**CASE:           Petitionr of Gorman**  
**Case No. CV P2 10-25**

It is recommended to grant the petition for an order determining trust assets. (Prob. Code, § 850.)